

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STATE OF WASHINGTON, et al.,

Plaintiffs,

v.

DONALD J. TRUMP, in his official
capacity as President of the United States of
America, et al.,

Defendants.

NO.

DECLARATION OF
CHARISSA FOTINOS, MD, MSc

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FOTINOS, MD, MSc

ATTORNEY GENERAL OF WASHINGTON
Complex Litigation Division
800 Fifth Avenue, Suite 2000
Seattle, WA 98104
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1 I, Charissa Fotinos, declare as follows:

2 1. I am over the age of 18, competent to testify as to the matters herein, and make
3 this declaration based on my personal knowledge. I am the State Medicaid Director for the
4 Washington State Health Care Authority (HCA).

5 2. I have been employed with HCA since October 1, 2013, and held this position
6 since 2022. As Washington State Medicaid Director, I am responsible for executive level
7 oversight and administration of the Washington Apple Health (Medicaid) program, which
8 provides more than two million Washington residents with integrated physical and behavioral
9 health services. In this role I oversee Medicaid and the Children's Health Insurance Program
10 (CHIP) in Washington, which are programs governed by federal rules and supported by federal
11 funding but administered by the State. I have also served, since 2022, as HCA's Behavioral
12 Health Medical Director.

13 3. Before beginning my role as State Medicaid Director in 2022, I served in the same
14 role in an acting capacity beginning in 2021. I have served as the Deputy Chief Medical Officer
15 since 2013. Prior to joining HCA, I served as Chief Medical Officer for Public Health-Seattle &
16 King County for 10 years and have served as a physician faculty member at the
17 Providence Family Medicine Residency Program. By way of formal training and medical
18 practice, I am board certified by the American Board of Family Medicine in Family Medicine
19 and by the American Board of Preventive Medicine in Addiction Medicine. I hold a Master of
20 Science in evidence-based health care from Oxford University, Kellogg College, in England,
21 and an M.D. from the University of Colorado Health Sciences Center.

22 4. HCA is the designated single state agency responsible for administering
23 Washington's Medicaid program. The HCA has a mission to "provide equitable, high-quality
24 care" which includes health equity.

25 5. HCA operates Apple Health, Washington State's Medicaid program and
26 Children's Health Insurance Program (CHIP), federal programs regulated by the U.S.

1 Department of Health and Human Services. Medicaid and CHIP are jointly funded by both state
2 and federal dollars, though at different rates. HCA also administers some state funded health
3 care programs, including the Children's Health Program (CHP) and the recently launched
4 Apple Health Expansion.

5 6. Medicaid provides free or low-cost health care for income-qualified individuals
6 and includes the state's Medicaid program, which is a joint federal and state funded program, as
7 well as several state-only funded programs. As explained below, Washington Apple Health is
8 an umbrella term or "brand name" for all Washington State medical assistance programs,
9 including Medicaid. HCA is Washington's Medicaid authority, its behavioral health authority,
10 and functions as the largest purchaser of health coverage in Washington. It is a leader in ensuring
11 Washington residents have access to services and interventions that support health, and it is
12 committed to whole-person care, integrating physical and behavioral health services for
13 better results and healthier communities in Washington. HCA purchases health care for nearly
14 2.8 million people through Apple Health (Medicaid) and other programs. Apple Health
15 programs serve approximately 1.9 million individuals per month in Washington.

16 7. Medicaid is the federally matched medical aid program under Title XIX of the
17 Social Security Act (and Title XXI of the Social Security Act for the Children's Health Insurance
18 Plan) that covers the Alternative Benefit Package (ABP), Categorically Needy (CN) and
19 Medically Needy (MN) programs. The program is a state and federal partnership with states
20 funding a portion of the program (as noted, usually up to 50 percent). In Washington, as noted,
21 Medicaid is provided under the name Apple Health. It provides coverage for a broad array of
22 services, including preventative care and other health care services.

23 8. HCA also oversees the School Employee Benefits Board (SEBB) and the
24 Public Employees Benefits Board (PEBB) which develop benefit plans, including health care
25 coverage, for eligible public and school employees, retirees, and dependents.
26

1 9. The mission of HCA is to “provide equitable, high-quality health care through
2 innovative health policies and purchasing strategies.” Its values include “health equity” which
3 means that HCA helps to ensure that everyone has the opportunity to obtain whole-person health.
4 In line with this mission and HCA’s values, HCA provides health care to transgender and gender
5 diverse individuals to treat gender dysphoria and related conditions.

6 10. HCA provides coverage for gender-affirming care, including but not limited to
7 puberty blockers, hormone therapy, and gender-affirming surgical procedures. These services
8 are available to individuals, including adolescents and young adults under the age of 19, when
9 deemed medically necessary by qualified health care professionals. HCA’s coverage aligns with
10 evidence-based medical standards and national guidelines from organizations such as the
11 American Academy of Pediatrics and the American Medical Association, and the Endocrine
12 Society. It is important to note that World Professional Association for Transgender Health
13 (WPATH), remains a globally recognized authority on gender-affirming care, and its Standards
14 of Care have been widely adopted by medical institutions worldwide.

15 11. The gender-affirming care that HCA covers are evidence based and have proven
16 to be effective and safe medical treatments.

17 12. The HCA is required under Washington state law to provide coverage for gender-
18 affirming care, including the treatments outlined above. These legal obligations are intended to
19 ensure that Washington residents continue to receive medically necessary care, regardless of
20 changes in federal policy.

21 13. I understand that the President has issued an Executive Order that targets use
22 of puberty blockers, the use of sex hormones, and/or surgical procedures as gender affirming
23 care for individuals under 19 years of age.

24 14. The Executive Order directly undermines HCA’s mission by imposing
25 restrictions that deter health care providers from offering gender-affirming services. This creates
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1 significant barriers for patients and families seeking necessary medical care, increasing the risk
2 of untreated gender dysphoria and associated health complications.

3 15. The Executive Order further endangers HCA's ability to fulfill its mission by
4 placing financial constraints on health care providers who offer gender affirming care. By
5 limiting funding, the Executive Order disincentivizes providers from continuing these services,
6 ultimately reducing access for those in need.

7 16. In addition to impacts on those subject to this new policy will have a direct impact
8 on HCA's administration of its healthcare programs and the amount of federal funding
9 Washington receives to reimburse medical expenses for children in Washington.

10 17. HCA has received reports from health care providers indicating that, due to the
11 threat of funding reductions and potential criminal repercussions, some providers have ceased
12 or reconsidered offering gender-affirming care services. Additionally, HCA has been made aware
13 that some patients have experienced increased delays in accessing these services, contributing to
14 heightened anxiety and uncertainty within the transgender and gender-diverse community.

15 I declare under penalty of perjury under the laws of the State of Washington and the
16 United States of America that the foregoing is true and correct.

17 DATED and SIGNED this 5th day of February 2025, at Seattle, Washington.

16  MD, MSc

17 **CHARISSA FONTINOS, MD, MSc**
18 Washington State Medicaid and Behavioral
19 Health Medical Director